



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
Lomeli-Nuno, Francisco  
Defendant.

Case No.: SA08-391M  
ORDER OF DETENTION

I.

- A. ( ) On motion of the Government in a case allegedly involving:
1. ( ) a crime of violence.
  2. ( ) an offense with maximum sentence of life imprisonment or death.
  3. ( ) a narcotics or controlled substance offense with maximum sentence of ten or more years.
  4. ( ) any felony - where defendant convicted of two or more prior offenses described above.
  5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. ☒ On motion by the Government/( ) on Court's own motion, in a case  
2 allegedly involving:

3 ( ) On the further allegation by the Government of:

4 1. ☒ a serious risk that the defendant will flee.

5 2. ( ) a serious risk that the defendant will:

6 a. ( ) obstruct or attempt to obstruct justice.

7 b. ( ) threaten, injure or intimidate a prospective witness or  
8 juror, or attempt to do so.

9 C. The Government ( ) is/☒ is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.  
12

13 **II.**

14 A. ☒ The Court finds that no condition or combination of conditions will  
15 reasonably assure:

16 1. ☒ the appearance of the defendant as required.

17 ☒ and/or

18 2. ☒ the safety of any person or the community.

19 B. ( ) The Court finds that the defendant has not rebutted by sufficient evidence  
20 to the contrary the presumption provided by statute.  
21

22 **III.**

23 The Court has considered:

24 A. (☒) the nature and circumstances of the offense(s) charged, including whether  
25 the offense is a crime of violence, a Federal crime of terrorism, or involves  
26 a minor victim or a controlled substance, firearm, explosive, or destructive  
27 device;

28 B. (☒) the weight of evidence against the defendant;

- 1 C. (X) the history and characteristics of the defendant; and  
2 D. (X) the nature and seriousness of the danger to any person or the community.

3  
4 IV.

5 The Court also has considered all the evidence adduced at the hearing and the  
6 arguments and/or statements of counsel, and the Pretrial Services  
7 Report/recommendation.

8  
9 V.

10 The Court bases the foregoing finding(s) on the following:

- 11 A. (X) As to flight risk:

12 backyard, canty ties unknown;

13 bail resource unknown;

14 illegal immigration status;

15 probation violation history;

16 use of multiple person's identities;

17 FTA history

- 18  
19  
20  
21 B. (X) As to danger:

22 extensive criminal history

23 record incl convs for narcotics

24 offenses, crimes of violence,

25 firearms offense

VI.

- 1
- 2 A. ( ) The Court finds that a serious risk exists the defendant will:
- 3 1. ( ) obstruct or attempt to obstruct justice.
- 4 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.
- 5 B. The Court bases the foregoing finding(s) on the following:

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

VII.

- 10
- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
- 13 the Attorney General for confinement in a corrections facility separate, to the
- 14 extent practicable, from persons awaiting or serving sentences or being held in
- 15 custody pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
- 17 opportunity for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
- 19 request of any attorney for the Government, the person in charge of the
- 20 corrections facility in which defendant is confined deliver the defendant to a
- 21 United States marshal for the purpose of an appearance in connection with a
- 22 court proceeding.

23

24 DATED: 7/29/08

  
\_\_\_\_\_  
ROBERT N. BLOCK  
UNITED STATES MAGISTRATE JUDGE